

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: *Gross*) Art Unit: *3629*
)
Serial No.: *10/771,094*) Examiner: *Dennis Ruhl*
)
Filed: *2-2-2004*)
)
For: *Media queue replenisher*)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The enclosed materials identified on form 1449 are associated with related application serial no. 10/771,049 by the present inventor which is currently pending before Examiner Dennis W. Ruhl in Art Unit 3629. They include the following:
 - a) a purported proof of prior use/art by a third party concerning certain subject matter claimed in the '049 application;
 - b) an IDS filed by the Applicant in the '049 proceedings pointing out the deficiencies in the thirty party evidence;
 - c) an Office Action dated September 20, 2007 which discusses and concludes that such third party materials are deficient, non-credible, and inadequate to support the third party contentions that such constitute prior use or prior publications; see pages 2 – 5 of the Office Action.
2. These materials are presented here solely to comply with the duty of disclosure and are not believed to be material to an examination of the present proceedings, particularly in light of the conclusions of the Examiner in the '049 proceedings. Nonetheless the Examiner is encouraged and requested to conduct an independent evaluation of such materials and determine if there are any other issues which require further clarification or assistance from the Applicant. To the extent the present Examiner believes it necessary, the undersigned would present a declaration to antedate such reference if need be.

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed before the mailing date of a first Office action on the merits.
4. Pursuant to 37 CFR 1.98(a)(2) enclosed are copies of all foreign patent documents and non-patent literature as cited on the attached form 1449.

Respectfully submitted,

A handwritten signature in black ink that reads "J. Nicholas Gross". The signature is written in a cursive, flowing style.

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October 12, 2007
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